Bismillaahir Rahmaanir Raheem

Does intended ejaculation break the fast?

by Shaykh Muhammed bin Naasiradeen al-Albaani
Translator: ClearGuidance

Source: Tibyan.com

From *Tamaam al-Minnah* by al-Albaanee
Chapter The Nullifiers of Fasting (pages 418 – 420)

Regarding his (Sayyid Saabiq's) statement "Ejaculation nullifies Siyaam (the fasting), whether due to a man kissing his wife, hugging his wife, or by masturbation. This voids fasting and necessitates *Qadaa'* (makeup for it)."

I (al-Albaanee) say: There is no proof that such voids the fasting, and trying to consider it like intercourse is not clear (note from the translator, intercourse refers to the touching of the two private parts to each other throughout the translation). For this reason as-San3aanee said:

"The more apparent position is there is no Kaffaarah (expiation) except for the one who had intercourse. To consider the one who did not have intercourse the same as the one who did is far-fetched."

And this is the opinion that ash-Shawkaanee leaned to, and it is also the position of Ibn Hazm. See *al-Mu7allaa* (6 / 175 – 177, and 205).

And what can help indicate to you that making *Qiyaas* (analogical reasoning / deduction) between ejaculation and intercourse is a form of *Qiyaas* with a significant difference between the two acts, is the fact that some of those who said that ejaculation breaks the fast did not obligate the expiation. They said:

"Because intercourse is more severe, and the original rule is there is no *Kaffaarah* except with evidence."

Look, for example, *al-Muhadhdhab* with its commentary by an-Nawawee (6 / 368)

And similarly we say: the original rule (*Asl*) is that it is not a nullifier, and intercourse is more severe than ejaculation, so there is no *Qiyaas* between the two. Please reflect on this.

Ar-Raafi3ee said (6 / 396):

"If the semen comes out by masturbation, it breaks the fast. This is because penetration without ejaculation is sufficient to break the fast. So ejaculating caused by desire is more deserving of being a nullifier of fasting."

I say: If this was indeed true, then obligating the expiation for ejaculation would be more necessary than obligating it for penetration without ejaculation. And they, themselves, don't believe this. So please realize the contradictory statements of these *Qiyaaseeyeen* (those who follow *Qiyaas* when it does not apply).

I add to this, that they contradict some of the *Aathaar* (narrations) which are authentically attributed to the *Salaf* regarding their belief that intimately touching a female without intercourse does not nullify fasting even if it leads to ejaculation. I have mentioned some of them in *Silsilat al-Ahaadeeth as-Saheehah* under numbers 219 – 221 [Translator's note: I will make an abridged

translation of that section of the Silsilah at the end.] Amongst these narrations is 'Aa'ishah's statement, *Radiyallaahu 3anhaa*, in response to someone who asked her:

"What is *Halaal* (permissible) for a man to do with his wife when he is fasting?"

She said, "Everything except intercourse."

This was reported by 'Abdir-Razzaaq in his *Musannaf* (4 / 190 / 8439) with a *Saheeh* (authentic) chain of narrators, as al-HaafidH Ibn Hajr mentioned in *al-Fath*. This narration was also used as a proof by Ibn Hazm regarding this issue. Please refer back to the reference above (from the *Silsilah*).

And Ibn Khuzaymah dedicated a chapter in his *Saheeh* where he narrated the above mentioned *Aathaar*. He titled that chapter (3 / 242):

"Chapter, the *Rukhsah* (permission) regarding touching (wife or concubine) without intercourse for the one who is fasting. The proof that a word can be used for two different actions, one which is *Mubaah* (permissible), and the other prohibited. Since the word *Mubaasharah* (touching) has been used by Allaah in reference to intercourse in His Book (the Qur'aan). The Qur'aan indicates that intercourse in fasting is prohibited. The Prophet, *Sallallaahu 3alayhi wa Sallam*, said "Intercourse breaks fasting for the one who is fasting." The Prophet, *Sallallaahu 3alayhi wa Sallam*, indicated by his actions that touching which is less than intercourse is *Mubaah* (permissible) in fasting and is not disliked (*Makrooh*)."

I also want to point out two important matters:

Firstly: The fact that ejaculation without intercourse does not break fasting is one issue, and for the fasting person to actually do such (go touching his wife or concubine) is another issue. I mean, we don't advise a fasting person, particularly those whose sexual desires are very strong, to be intimate when he is fasting. This is because we are afraid he might fall into what is prohibited i.e. intercourse. This is based on the rule to avoid means to something *Haraam* (prohibited), which is indicated by many evidences in the *Sharee3ah*. Amongst these evidences is the statement of the Prophet, *Sallallaahu 3alayhi wa Sallam*, "Whoever grazes his sheep around the boundaries, will very possibly stray into the forbidden area." Its as if the Sayyidah 'Aa'ishah, *Radiyallahu 3anhaa*, was indicating this by her statement, "Who of you is capable of holding back his desires?" when she narrated the Prophet's, *Sallallaahu 3alayhi wa Sallam*, touching her when he was fasting.

Secondly:

[Translator: Point two was regarding the Shaykh's stance on masturbation. Since there are many *Fataawaa* on al-Munajjid's site indicating its prohibition, I feel there is no need to translate this. But briefly I say, there is no *Saheeh Hadeeth* which prohibits such, rather all the *Ahaadeeth* prohibiting such are weak. All that exists which could indicate its prohibition is the verse in the Qur'aan (approximate translation of the meaning) {And they who guard their private parts. Except from their wives or those who their right hands possess (concubines), for indeed, they will not be blamed – But whoever seeks beyond that, then those are the transgressors.} (Soorat al-Mu'minoon 23 v. 3 – 7)

So those who prohibit it say that masturbation is included in the meaning of the *Aayah* (like Ibn Baaz, al-Albaanee, Muqbil bin Haadee al-Waadi3ee and others from the earlier scholars and later ones). Those who unconditionally allow it say that the verse does not encompass the issue of masturbation (such as ash-Shawkaanee). The middle opinion is that it is prohibited or disliked, but that in fear of a greater sin (such as intimacy with females one is prohibited from) then it is permissible. This last opinion is that of Ibn Taymeeyah and other scholars.

Point: A Muslim should not follow what he feels easier, nor the 'funnest' (or those who follow what

is hardest because it is hardest, and believing it to be the more correct opinion solely because it is hardest), rather he should follow what he feels to be the strongest based upon the evidences. If he is unable to determine what is stronger, he should leave what is doubtful for what is undoubtful

I want to mention, this is an issue of *Ijtihaad* so it is not permissible to declare people innovators or misguided based upon it. I say this, because I know brothers who used to declare al-Qaradaawee an innovator solely based upon this issue of legitimate Ijtihaad. Yes, al-Qaradaawee is an innovator (even a Kaafir according to many scholars, such as Aboo Qataadah al-Filisteenee and Aboo Baseer at-Tartoosee), but that is not how you go about declaring such.

I also want to mention a complex which afflicts many of the youth who are trying to practice their Deen and adhere to it, while calling others to it (this has been brought up by Salmaan on his site). The *Shaytaan* is able to fool them and confuse them, by making certain sins appear humongous and major, while making them ignore more important and destructive sins or ignore important obligations. He might even attempt to make them give up any form of *Da3wah* to others, because of guilt and feelings of hypocrisy. What I specifically mean is that some youth are afflicted with the habit of masturbation, and they believe that it is a sin. So for some reason they start feeling it is the biggest sin they are committing (even though, according to Salmaan, none of the scholars from those who prohibit it, declare it to be a major sin). Yet they commit so many other sins which are much more of a concern, like missing prayers, swearing, cursing, imitating the *Kuffaar*, listening to music, being rude and horrible when dealing with their parents or elders in general, avoiding addressing evils of concern rampant in their societies, leaving beneficial acts such as *Da3wah*, giving *Khutbah*s, etc., all this because the scales they have are messed up, and this is a big effort from the Shaytaan.

The *Shaytaan* even fools some of these youths into giving up on the Deen, because they can just never break away from that habit, and ‘if they cant do it all, then just drop it all!’

Rather, if one is afflicted with the act and believes it to be a sin, he should strive to avoid it and the things that lead to it (such as looking at non-Mahram women, etc.), and at the same time placing it in the level that it deserves. He should not allow the feelings of guilt accompanying the act to be an obstacle from *Da3wah* or finishing important contributions he intends for himself or the *Ummah* (such as seeking beneficial knowledge).

Allaahu A3lam.]

Summarized translation of *Hadeeth*s 219 – 221 from al-Albaanee’s *as-Saheehah*.

#219, “He (the Prophet, *Sallallaahu 3alayhi wa Sallam*) used to kiss me (‘Aai’ashah) when he was fasting and I was fasting.”

Reported by Aboo Daawood and Ahmad, from ‘Aa’ishah, with a chain which is authentic according to the conditions of al-Bukhaaree.

He (al-Albaanee) then mentions some other reports about ‘Aa’ishah, saying the Prophet, *Sallallaahu 3alayhi wa Sallam*, would kiss her when he and she were fasting. One authentic narration she stated after saying this, “You have a good example to follow in Allaah’s Messenger.”

Then al-Albaanee says: “The *Hadeeth* is a proof on the permissibility for a fasting person to kiss his wife in Ramadaan. The scholars have differed over this, with four positions, the most correct being it is permissible. But the situation of the kisser should be taken into consideration, so if he is young and it is feared that he might fall into intercourse, which will nullify his fast, then he should abstain from such. And this was indicated by as-Sayyidah ‘Aa’ishah, *Radiyallaahu 3anhaa*, when she said “Who from you is capable of controlling your desires?” (He then mentions more supporting

narrations)

He then discusses that the different narrations regarding 'Aa'ishah are in reference to the different situations of the questioner, so sometimes she mentions it without any conditions. Sometime she mentions the permissibility while reminding that many cannot control themselves, etc. al-Albaanee then mentions that the issue is not whether the person is young or old, rather if he is capable of controlling himself from intercourse or not.

He then mentions the Aathar:

That 'Aa'isah bint Talhah was with 'Aa'ishah (the Prophet's wife, *Sallallaahu 3alayhi wa Sallam*) and then her husband came, 'Abdullaah bin 'Abdir-Rahmaan bin Abee Bakr as-Siddeeq when he was fasting. So 'Aa'ishah (the Prophet's wife, *Sallallaahu 3alayhi wa Sallam*) said to him "What prevented you from coming close to her, kissing her, and playing with her?" He said, "Should I kiss her when I am fasting?!" She said, "Yes."

Reported by Maalik, and at-Tahaawee from him (Maalik) with a *Saheeh* chain of narrators.

Ibn Hazm said in *al-Muhallaa*:

"'Aa'isah bint Talhah was the most beautiful of the women of her time, and during the time of 'Aa'ishah (the Prophet's wife, *Sallallaahu 3alayhi wa Sallam*) they were very young and newly weds."

#220, "He (the Prophet, *Sallallaahu 3alayhi wa Sallam*) used to kiss when fasting, touch when fasting, and was the most in control of his desires"

Reported by al-Bukhaaree, Muslim, and others.

Al-Albaanee then says: "This has an additional point of benefit to the prior *Hadeeth*, that is the permissibility of *Mubaasharah*, which is more than just kissing. The scholars differed over what it meant. Al-Qaaree said:

"It is to touch the wife other than her private part. Its also been said that it is kissing and touching with the hand."

Al-Albaanee then says: "There is no doubt that *Mubaasharah* does not mean kissing here, because it came alongside kissing in the *Hadeeth*. And *Waaw* (and in Arabic) implies distinction. So it can either mean touching with the hand or the first definition, and the first is the stronger for two reasons:

Firstly: 'Aa'ishah's Hadeeth that when she was menstruating "If one of us was menstruating, and Allaah's Messenger (*Sallallaahu 3alayhi wa Sallam*) wanted to touch us (*Mubaasharah*), he would command her to wrap a cloth around her area of menstruation, then touch her. She then said, and who amongst you is capable of controlling his desires [like him]?" al-Bukharee, Muslim, and others.

So *Mubaasharah* here is the same as in the Hadeeth about fasting, since the wording is one, and the indication is one, and the report is one.

There is even other proofs that support this meaning, and that is that 'Aa'ishah explained the meaning of *Mubaasharah* in this way in another report from her:

#221, "He (the Prophet, *Sallallaahu 3alayhi wa Sallam*) would do *Mubaasharah* when he was fasting, and would place a cloth between him and her, meaning over the private part."

Reported by Ahmad and Ibn Khuzaymah in his *Saheeh*. Its *Isnaad* is Good (Jayyid).

Then al-Albaanee says: "In this *Hadeeth* is an important point of benefit, that is the explanation of *Mubaasharah*, which is to touch a women anywhere other than her private part [he means with one's own private part, as you will see later]. So this supports the interpretation mentioned earlier by al-Qaaree, although he mentions it in a way indicating weakness. But this *Hadeeth* indicates that it is a reliable interpretation, and there is no proofs in the *Sharee3ah* to indicate otherwise. Neigh, we even found statements of the *Salaf* to support this and strengthen it. One of these narrations is from 'Aa'ishah herself, reported by at-Tahaawee with a *Saheeh Isnaad* that Hakeem bin 'Iqaal said:

"I asked 'Aa'ishah, "What is prohibited for me from my wife while I am fasting?" She said, "Her private part."

Al-Albaanee then mentions that al-Bukhaaree reported the Hadeeth in *Mu3allaq* form (this is too hard to explain in this brief translation) in a form of certainty saying "Chapter *Mubaasharah* for the fasting person, and 'Aa'ishah said, 'He is prohibited from her private part.'"

He then mentions that *al-HaafidH* reports in al-Fath a similar narration to the one above but reported by at-Tahaawee with a *Saheeh Isnaad*, that Masrooq asked 'Aa'ishah the same question, and she responded "Everything (is permissible for him), except intercourse."

Ibn Hazm mentions it in *al-Muhallaa* in response to those who dislike Mubaasharah for the one who is fasting.

Then Ibn Hazm mentions another narration, "That a man came to Ibn 'Abbaas and said to him, 'I just got married to my beautiful paternal cousin, and I consummated the marriage in Ramadaan. So is it permissible for me, *Bi Abee wa Ummee* (I am willing to sacrifice my father and mother, a common Arab phrase), to kiss her?' Ibn 'Abbaas said to him, 'Can you control yourself?' He said, 'Yes.' He said, 'Kiss her.' He said, '*Bi Abee wa Ummee*, can I touch her?' He said, 'Can you control yourself?' He said, 'Yes.' He said, 'Then touch her.' He said, 'Can I touch her private part with my hand?' He said, 'Can you control yourself?' He said, 'Yes.' He said, 'Touch it.'

Al-Albaanee then quoted Ibn Hazm declaring this *Athar Saheeh* [Note from the translator: for those who don't know it, Ibn Hazm is one of the strictest people in Hadeeth. This has led him to declare many authentic Ahaadeeth to be weak. So when he declares a *Hadeeth Saheeh*, it is very significant.]

Al-Albaanee then quotes Ibn Hazm regarding a report from Ibn Mas3ood that he was asked, "Do you kiss when you are fasting?" He replied, "Shall I stop enjoying her? (meaning his own wife)" Ibn Hazm then narrates from Ibn Mas3ood that he would touch his wife half the day when he was fasting. Ibn Hazm declared both of these narrations authentic, as did al-Albaanee. Al-Albaanee reports another wording of the first narration here from Ibn Mas3ood, where instead he replied, "And I touch her private part." He declared it *Saheeh* according to Muslim's conditions.

Al-Albaanee then quotes from Ibnu Abee Shaybah that Jaabir bin Zayd was asked regarding a man looking at his wife in Ramadaan, so he ejaculated out of his desire. Did that break his fast? He said, 'No, and he should carry his fast on.' Al-Albaanee said its *Isnaad* is good (*Jayyid*), and it was reported in *Mu3allaq* form in al-Bukhaaree with a phrase of certainty (*Jazm*).

Conclusions [This is from the translator]:

1. Ejaculation, whether intentional or not, does not break the fasting.

2. It is permissible to be intimate with one's wife or concubine, even if that leads to ejaculation, as

long as there is no intercourse (the two private parts touching each other)

3. Since this is permissible, there is no expiation, sin, or makeup fast.

4. That this was the opinion of many early scholars and later ones. Some of those mentioned include 'Aa'ishah, Ibn 'Abbaas, Ibn Mas3ood, Ibn Hazm, as-San3aanee, ash-Shawkaanee, and others.

Response to two strongest and common arguments against these conclusions:

Firstly:
The issue of *Qiyaas*. The Shaykh responded to this. I want to add, that the more correct opinion of the scholars of *Usool al-Fiqh* is that *Qiyaas* is to be avoided in issues of pure worship, unlike issues of *Mu3aamalaat* (business, trade, marriage, etc.).

Another point to indicate the difference between intercourse and intentional ejaculation (by touching wife, etc.), is that the *Hadd* for *Zina* (adultery or fornication) is not due except in the case of penetration, even if for one second, and even if no ejaculation takes place whatsoever. Whereas if the two criminals just touched each other, until the male ejaculates, he would not get a *Hadd* for *Zina* (adultery or fornication). Yes that is a major sin, and he certainly deserves a *Ta3zee*r (unspecified punishment), but the point is the law establishes a difference between intercourse and intentional ejaculation.

Secondly:
The *Saheeh Hadeeth* where Allaah Promises reward for the one who fasts because he 'left his food and desire.' So they say desire includes ejaculation.

Response: This word is general (desire), and could mean anything. So the only way to determine what is meant is to look for the texts and see what is clearly prohibited. Otherwise that would indicate one is prohibited from looking at his wife with desire, imagining her with desire, listening to her voice with desire, etc. Which none of those who prohibit say (I mean unconditionally).

So what is prohibited enters into the meaning of this *Hadeeth*, otherwise it does not. Also, other *Ahaadeeth* and *Aathaar* indicate that the word does not encompass such, as was quoted before.

Lastly:
I want to comment on those who categorically reject al-Albaanee in all *Fiqh* or *Hadeeth*. Firstly, al-Albaanee here quoted many scholars who are considered masters in Usool, such as ash-Shawkaanee and Ibn Hazm. Regarding the Ahaadeeth and Aathaar quoted, the majority of them are declared Saheeh by Ibn Hazm, who is known to be very strict (even too strict) in Hadeeth. Lastly, Sa3d al-Humayd, who is known to be a strict *Muhaddith*, said that al-Albaanee's declaring Saheeh is generally acceptable, but its his declaring Hasan, or declaring *Ahaadeeth* to be authentic *li-ghayrihi*, which is usually where he is criticized. These *Ahaadeeth* and *Aathaar* were not of that nature, *wal-Hamdu Lillaah*.

Allaahu A3lam.